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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,210	07/24/2003	David Aaron Rivkin		4242
7590		07/14/2005		
David A. Rivkin				
1390 Curtis Avenue				
San Jose, CA 95125				
			EXAMINER	
			CARPIO, IVAN HERNAN	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/627,210	Applicant(s) RIVKIN, DAVID AARON (pm)	
	Examiner Ivan H. Carpio	Art Unit 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 lacks antecedent basis, "the first enclosure element" is never defined and renders the claim indefinite. Examiner reads the claim as meaning that there are two identical enclosures and that there are inter-connectible elements on each enclosure that allow for the enclosures to mate or connect.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Moden (US Patent 6297548).

With respect to claim 1 Moden teaches an apparatus comprising an enclosure (Fig. 1, element 12) configured for receiving at least one electronic device (Fig. 1,

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element 14), wherein the enclosure includes a plurality of elements providing a means of support (Fig. 1, element 36, 38 and 40 allow for support when stacking).

With respect to claim 2 and with all the limitations of claim 1, Moden teaches an encapsulated (Fig. 1 element 14 is encapsulated by 12, also column 2 lines 39-43) electronic device.

With respect to claim 3 and with all the limitations of claim 1, Moden teaches an encapsulated electronic circuit (Fig. 1 element 26 and 28).

With respect to claim 4 and with all the limitations of claim 1, Moden teaches an encapsulated circuit board (Fig. 1 element 32).

With respect to claim 5 Moden teaches an apparatus comprising an enclosure (Fig. 1, element 12) with inter-connectible elements (Fig. 1 elements 22, 36, 38, 40 allow for interconnection between like enclosures as shown) wherein each element means is capable of fitting with in or mating with elements of the first enclosure.

With respect to claim 6 and with all the limitations of claim 5, Moden teaches that the inter-connectible require the orientation of the enclosure be maintained (Fig. 1 note that the stackable nature maintains the enclosure's orientation) between adjacent enclosures.

With respect to claim 7 Moden teaches and apparatus comprising an enclosure, wherein the enclosure includes ergonomic surfaces (Fig. 1 elements 36 and 40 are angled corners that not only allow for easy stacking but also reduce the sharpness of the corners).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents 6903937, 6373710, 6356458 and 5563771 are all enclosures with circuit elements.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ivan H. Carpio whose telephone number is 571-272-8396. The examiner can normally be reached on M-R 6:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kammie Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IC


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